IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 533 OF 2005

Sharad Sahebrao Dhamdhere ...Petitioner

Versus

The Additional Collector, Pune, & Ors. ... Respondents

Mr. Sandeep S. Salunkhe for the Petitioner

Mr. C.R. Sonawane, Assistant Government Pleader, for the Respondents.

CORAM: DALVEER BHANDARI, C.J. &
S.A. BOBDE, J.
DATE: MARCH 11, 2005.

P.C.

1. The grievance of the petitioner is regarding the order dated 2nd February, 2005 passed by respondent No. 1, the Additional Collector, Pune, in which it is mentioned that according to the sanction condition No.5 of the order, there is a condition that while extracting the sand, no machinery should be used; and hence, the petitioner's request to use suction pump for extracting sand from the spot would

not be granted.

2. The petitioner has drawn our attention to order dated 7th January, 2002 in which it is mentioned that the rules and conditions of the auction do not prohibit the use of *yari*, boat, etc. If this permission has been granted to one Arvind Sahebrao Dhamdhere, who is alleged to be the brother of the petitioner, it cannot be denied to the petitioner. Confronted with this situation, the learned Assistant Government Pleader appearing for the respondents submits that the respondents would re-consider the case of the petitioner in the light of the order dated 7th January, 2002.
3. We direct the respondents to re-consider the case of the petitioner after affording hearing to him, by a reasoned order, within four weeks from the date of receipt of this order. The petitioner is directed to appear before the concerned official on 17th March, 2005. The respondents may also consider granting an alternate site to the petitioner.
4. No further directions are necessary. This petition is, accordingly, disposed of.

CHIEF JUSTICE

S.A. BOBDE, J.